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There May Be A Bill/Combatting The Crime Problem

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Widow of workman who was killed in course of employment filed claim with the Industrial Commission, which was subsequently withdrawn and suit brought against a third party alleged to be liable. Suit was unsuccessful, and a new claim presented to the Commission. The Commission's disapproval of the claim was sustained because claimant had barred the insurer of its valuable right of subrogation, a right that insurer should be enabled to have determined "in its own way and through its own agents and attorneys".—*Ocean Accident Co., vs. Cooper*, 294 S. W. 248 (Texas).

THERE MAY BE A BILL

We frequently wonder why so many bills, concerning matters of apparently minor import to the general public, get into our legislative hoppers, and wonder still more why there is such heated discussion about them. The case of *Pipan vs. Aetna Insurance Co.*, reviewed elsewhere in this issue, appears to carry foci of infection for the development of legislative germs of that type.

In that case an insurance company collected the usual premium or premiums for the insurance of a certain building, duly described, existing, and apparently of sufficient value to justify the amount of the insurance requested. A policy was issued and delivered through the local agent. The owner and her husband could read little or no English. The building was destroyed by fire during the life of the policy. It was then discovered that the policy was not made out to the record owner, and, presumably, that policy carried the usual provision that it would be void if the interest of the insured was other than that of sole and unconditional owner.

The issue as to whether the mistake of placing the wrong name on the policy was due to the carelessness of the agent or his office girl, or was due to lapse of memory or actual mistake on the part of the plaintiff and her husband, was decided against the plaintiff on the theory of failure to sustain the burden of proof. The insurance was, therefore, held to be uncollectible, and the only recourse open to the owner — after the fire — seems to be a demand for refund of the premium or premiums paid.

Whether the weight of authority supports the rulings of the trial and appellate courts or not, there is presented here a situation that will be unexplainable to large numbers of people, including many of wider experience, better knowledge of our language, and more extensive education than the parties interested. They will, very likely, refuse or be unable to see any equity or fair dealing in such a determination. The matter will be discussed with friends and neighbors, and then someone will get the bright idea — that of passing a general law to prevent the repetition of such a result. Lo, we prophesy.

COMBATting THE CRIME PROBLEM

Herewith is quoted the concluding part of an address on the subject, "The Crime Problem from a Layman's Standpoint," delivered at the annual communication of the Grand Lodge A. F. & A. M. of North Dakota:

"If, in the capacity of the blind endeavoring to lead the blind, I

were to attempt to make darkness light before you and crooked things straight, I would suggest the following:

"First, That capital punishment be restored and that the certainty thereof in proper cases be not permitted to be interfered with by forces outside of the officials having the matter in charge.

"Secondly, That the power to pardon or parole be thoroughly circumscribed, at least by requiring public hearing and public statement of the reasons for granting the same, and that suspended sentences be limited very strictly to minor offenses and first offenders.

"Thirdly, That we recognize the necessity and seek to provide for statewide co-ordination of the agencies for detecting and suppressing crime and criminals, in order to catch up with the 98 out of every 100 who are now said to escape.

"Fourthly, That the scientific aspect of the problem be acknowledged by the employment of psychiatrists to be located at penal institutions, in order that their theories may be experimentally tried out first upon the human derelicts; and that as the call upon the experts' time is reduced, or the available number is increased, they be utilized in the trial of persons before the courts, in the hope that guesswork and the privately employed expert witness may both be eliminated.

"Fifthly, That the educational programs of civic and fraternal organizations, as they may relate to this subject, be founded and grounded upon a firm faith in the home as a fundamental institution of civilized society.

"Sixthly, That civic and fraternal organizations be urged to pledge themselves to a continuing, earnest and sincere effort to circumscribe and keep within due bounds the multitudinous penal regulations of the States and the Nation, eliminating where elimination is feasible, and preventing the addition of new and pestiferous inhibitions that only make legal criminals out of otherwise morally upright citizens.

"Naturally, no layman's program should be held up as all-inclusive, neither may it be expected to elicit maximum support or to have maximum effect unless it be co-ordinated with the plans and proposals of State and National Bar Associations, whose collective conclusions should be more freely recognized as representative of ability and desire to render a high type of public service. Nevertheless, even after legal, medical and mental experts have diagnosed and prognosed, after enforcement agencies have been co-ordinated for detection and detention, after codes and procedural methods have been simplified and standardized, and after all the reasonably expectable results have been realized therefrom, there still remains the far vaster opportunity for preventive accomplishment through the quickened consciences of ordinary folks, and that quickening appears achievable only by and through revitalized moral and spiritual teaching and training."

LAKE REGION ORGANIZED

The Lake Region District Bar Association is now an integral part of the State Association. The district includes the counties of Benson, Cavalier, Nelson, Ramsey, Rolette and Towner. The officers are: President, F. T. Cuthbert, Devils Lake; Vice-Presidents, Geo. H. Price, Langdon, R. J. Roberts, Lakota, L. L. Butterwick, Minnewaukan, J. J. Kehoe, Cando, and John A. Stormon, Rolla. Mack V. Traynor of Devils Lake is Secretary.